IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 15806 of 2005

Between:

Kum. V. Nagavenu D/o. V. Nagesh
R/o. Door No. 2-9-20, Tummavari street, A.C. Gardens, Rajahmundry,
East Godavari District.

..... PETITIONER

AND

1. The Chairman, U.G. Admission Committee, NTR University of Health Sciences, Vijayawada.
2. The Joint Collector & District Magistrate, East Godavari District at Kakinada.
3. The Sub Collector, Rampachodavaram, East Godavari District.
4. The Mandal Revenue Officer, Gangavaram, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, Order or direction preferably one in the nature of Writ of Mandamus, declaring the Endorsement Letter vide Ref. (C) 656/99, dt. 14-7-2005 of the 4th Respondent as arbitrary, illegal, and consequently direct the 4th Respondent to issue Caste Certificate to the effect that the petitioner belongs to Konda Kapu caste i.e, Scheduled Tribe while directing 1st Respondent herein to consider the case of the petitioner for allotment of Seat in M.B.B.S. Course for the academic year 2005 in 1st Respondent University under reserved quota for scheduled Tribe forthwith.

Counsel for the Petitioner: MR.J.KANAKAIAH

Counsel for the Respondent No.1: MR.D.V.NAGARJUNA BABU
Counsel for the Respondent Nos.2 to 4: GP FOR SOCIAL WEFLARE

The Court at the admission stage made the following:

ORDER:

This writ petition is filed aggrieved by the action on the part of the respondents 2 to 3 in not issuing caste certificate in favour of the petitioner.

It is stated in the affidavit filed in support of the writ petition that when the petitioner made an application to the fourth respondent seeking issuance of caste certificate, the fourth respondent made an endorsement on 14.07.2005 to the effect that the social status of the petitioner's grandfather is under enquiry. It is also stated that the cancellation of social status certificate in favour of the petitioner's grandfather was challenged in W.P.No.5214 of 1990, which was allowed on 21.12.2000. Aggrieved by the same, the respondents therein filed W.A.No.617 of 2002, which was disposed of on 05.07.2005 directing the authorities concerned to conduct fresh enquiry as the earlier cancellation order was set aside on the ground that proper enquiry was not conducted.

According to the petitioner, she appeared for EAMCET-2005 and secured a rank of 22,140 and she is within the consideration for allotment of a seat under medical stream. Therefore, it is necessary for her to produce caste certificate at the time of admission. The

grievance of the petitioner is that as the counselling has already commenced, if the caste certificate is not issued, she would suffer irreparable loss. Hence, the present writ petition.

The learned Government Pleader for Social Welfare, however, contended that in the case of petitioner's grandfather, the Division Bench passed the order only on 05.07.2005 directing the authorities to conduct fresh enquiry and therefore, it would take some time. Even under the Statute, the authorities are entitled to complete the enquiry within a period of sixty days. Hence, the authorities may be directed to complete the enquiry within the statutory period of sixty days.

Heard both sides and considered the material on record.

As the petitioner's claim that her grandfather belongs to 'Konda Kapu', is the subject matter of an enquiry pursuant to the orders passed in W.A.No.616 of 20002, dated 05.07.2005, the authorities are directed to conduct and complete the enquiry within the statutory period of sixty days. If it is found that the petitioner belongs to 'Konda Kapu' caste, she is entitled for issuance of caste certificate immediately thereafter. It is further made clear that if the petitioner makes an application for grant of provisional caste certificate as per Rule 19 of the A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 the Revenue Divisional Officer, Rampachodavaram is directed to consider and pass appropriate orders for issuance of a provisional caste certificate.

The writ petition is accordingly disposed of. No costs.

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20.07.2005

VGB

To

1. The Chairman, U.G. Admission Committee, NTR University of Health Sciences, Vijayawada.
2. The Joint Collector & District Magistrate, East Godavari District at Kakinada.
3. The Sub Collector, Rampachodavaram, East Godavari District.
4. The Mandal Revenue Officer, Gangavaram, East Godavari District.
5. 2CCs to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad. (OUT)
6. 2CD copies.